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16 *Attorneys for Defendant*  
17 *Andrew A. Wiederhorn*

18 IN THE UNITED STATES DISTRICT COURT  
19 FOR THE CENTRAL DISTRICT OF CALIFORNIA

20 UNITED STATES OF AMERICA,

21 Plaintiff,

22 v.

23 ANDREW A. WIEDERHORN,  
24 WILLIAM J. AMON,  
25 REBECCA D. HERSHINGER, and  
26 FAT BRANDS INC.,

27 Defendants.

28 CASE NO. 2:24-CR-00295-RGK

29 **DECLARATION OF DOUGLAS  
30 FUCHS IN SUPPORT OF MR.  
31 WIEDERHORN'S REPLY IN  
32 SUPPORT OF MOTION TO  
33 COMPEL THE PRODUCTION OF  
34 OUTSTANDING DISCOVERY**

35 Trial: October 28, 2025

36 Hearing Date: May 19, 2025

37 Hearing Time: 10:00 a.m.

38 Dept: Courtroom 850, 8th Floor

39 Judge: Honorable R. Gary Klausner

1 I, Douglas Fuchs, declare as follows:

2 1. I am an attorney at Gibson, Dunn & Crutcher LLP, counsel of record in this  
3 action for Defendant Andrew A. Wiederhorn (“Mr. Wiederhorn”). I am a member of  
4 the Bar of the State of California and have been admitted to practice before this Court.  
5 I submit this Declaration in support of Mr. Wiederhorn’s Reply In Support Of Motion  
6 to Compel the Production of Outstanding Discovery. I have personal knowledge of the  
7 matters stated in this declaration and would testify truthfully to them if called to do so.

8 2. Attached hereto as **Exhibit 1** is a true and correct copy of  
9 USAO\_PROD\_00000412. This document shows that the investigation into Mr.  
10 Wiederhorn began in early March 2020.

11 3. Defense counsel first requested discovery relating to the 1990s loans and  
12 early 2000s investigation on May 14, 2024. Despite repeated requests for this discovery,  
13 the government did not disclose that it knew, at least as of March 17, 2023, that much  
14 of the relevant discovery had been destroyed. *See* Dkt. 121-1 (Reidy Decl.), Ex. E. The  
15 government either ignored defense counsel’s requests or failed to provide clear answers  
16 about whether the discovery still existed.

17 4. On April 30, 2025, the government made a production of less than 300 tax-  
18 related documents. The production primarily consisted of documents sought and  
19 received from the California Franchise Tax Board, communications and document  
20 requests showing two instances in which materials related to the prior investigation of  
21 Mr. Wiederhorn were sought by the prosecution team from various departments of the  
22 government, and the IRS case files—or lack thereof—of Wilshire-related entities that  
23 were not even sought by the prosecution team until this motion to compel was filed. For  
24 instance, included in this production was an April 15, 2025 email from IRS Special  
25 Agent Janet Siu requesting various files associated with the 1990s loans and early 2000s  
26 investigation. Ms. Siu wrote, “[t]his is an expedited request for the government to  
27 respond timely to a legal proceeding.” This email was sent one day after Mr. Wiederhorn

1 filed this motion to compel. Attached hereto as **Exhibit 2** is a true and correct copy of  
2 this email.

3 5. At meet and confer calls on November 12, 2024 and December 16, 2024,  
4 defense counsel asked for information or documents revealing the identities of the  
5 individuals at Main Justice in Washington, D.C. who were involved in the determination  
6 regarding Mr. Wiederhorn's case in the early 2000s. Then-Assistant U.S. Attorney  
7 Adam Schleifer represented at both meetings that they were not aware of any documents  
8 revealing this information, and that he did not think Mr. Wiederhorn was entitled to this  
9 information.

10 6. In other discovery, the government has admitted it destroyed relevant IRS  
11 files after this investigation started. Attached hereto as **Exhibit 3** is one such document.

12 7. I declare under penalty of perjury under the laws of the United States of  
13 America that the foregoing is true and correct.

14 Executed on May 5, 2025, at Los Angeles, California.



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17 Douglas Fuchs  
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